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December 21, 2004

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Federal Communications Commission Office of Secretary

VIA HAND DELIVERY

Ms. Marlene H. Dortch, Secretary Federal Communications Commission 445 Twelfth Street, S.W. Room TW-B204 Washington, D.C. 20554

> Re: Notice of Oral Ex Parte Presentation Children's Television Obligations of Digital Television Broadcasters MM Docket No. 00-167 (FCC 04-221)

Dear Ms. Dortch:

Yesterday, Bert Carp on behalf of Turner Broadcasting System's cable networks, Susan Fox of Disney, Anne Lucey of Viacom, Maureen O'Connell of News Corporation, Michael Skagerlind of Nickelodeon Online, Steven Teplitz of Time Warner, and the undersigned on behalf of the WB Network, met with Commissioner Kevin Martin and his Legal Advisor Monica Desai, primarily to discuss the effective date of the Commission's recently-released regulations limiting the display of Internet website addresses during children's television and cable television programs.

We stated that although each of our companies supports the Commission's objective of deterring over-commercialization in program-related children's websites, compliance with the new requirements (Sections 73.670(b) and (c) of the Commission's Rules) by their current February 1, 2005 effective date will be difficult. We explained that since the Commission had not previously proposed to limit the display of website addresses except in the context of future interactive technology, our companies were unprepared for the decision to regulate non-interactive website displays virtually immediately. Each company must structure a plan of compliance in the face of uncertainties about what precisely the Commission intends to permit (particularly with respect to "host selling" on character-driven websites), and then reconstruct its site or sites and their navigation systems accordingly. In light of the fact that the advertising content on these sites generally provides only a modest level of support for the noncommercial content of the site, we explained that we hope to have to rebuild our websites only once, following clarification of the Commission's requirements, rather than repeatedly. We also noted

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that the parallel process of making our broadcast and cable programming compliant will similarly require considerable time, since we frequently re-use existing material that may contain non-compliant references to our websites.

For these reasons, we requested that the effective date of the new rules be deferred to January 1, 2006, consistent with the effective date of many of the other requirements in the recently-released FCC decision. We indicated that our respective companies would commit to working with the Commission and other interested parties, beginning early in 2005, to craft clear and workable solutions to the agency's concerns regarding children's website promotions, but that until these issues have been resolved and precise regulatory boundaries have been established, the process of redesigning our companies' websites cannot effectively be undertaken.

Pursuant to FCC Rule 1.1206, an original and one copy of this filing are being submitted to the Secretary.

Respectfully submitted,

Barbara K. Laidner

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cc: Commissioner Kevin J. Martin

Monica Desai